



# Louisiana Housing Finance Agency

The following resolution was offered by J. Mark Madderra and approved by Commissioner Katie Anderson:

## RESOLUTION

**A resolution approving the award of Tax Credits from the 2010 State Housing Credit Ceiling to one or more projects deemed not feasible or viable as a result of market study indicating that the project configuration was inconsistent with the market need but which projects may have been awarded credits if modified to satisfy such market need under the 2009 Qualified Allocation Plan; authorizing the Agency staff and counsel to prepare the forms of such documents and agreements as may be necessary to permit the Agency to execute a binding agreement to allocate Tax Credits from the 2010 State Housing Credit Ceiling to such facilities; and providing for other matters in connection therewith.**

**WHEREAS**, the Louisiana Housing Finance Agency (the "Agency") has been ordered and directed to act on behalf of the State of Louisiana (the "State") in allocating low-income housing credits ("Tax Credits") made available pursuant to Section 42 of the Internal Revenue Code (the "Code"); and

**WHEREAS**, the Agency approved the form of certain applications, documents, agreements and proceedings related to the award of Tax Credits; and

**WHEREAS**, the Agency solicited applications for funding of applications with respect to projects qualified under the 2009 Qualified Allocation Plan (the "2009 QAP"); and

**WHEREAS**, the staff of the Agency prepared a list for the Board of Commissioners (the "Board") of the Agency to award Tax Credits from the 2009 State housing credit ceiling (the "2009 Credit Ceiling") to the highest ranking projects in accordance with the selection criteria (the "Selection Criteria") in the 2009 QAP and to qualified low-income housing projects (the "LIHTC Projects") described in an exhibit attached to the resolution adopted by the Board awarding Tax Credits from the 2009 Credit Ceiling to LIHTC Projects pursuant to the provisions of the 2009 QAP; and

**WHEREAS**, certain projects scored points sufficient to receive an award of credits but were not awarded credits based upon a unit configuration inconsistent with the market needs as reflected in the market study by the Agency retained market analyst; and

**WHEREAS**, the failure of such projects to be configured to market needs was attributable to the new protocol of the Agency to retain its own market analyst without sharing the benefits of such market study with developers prior to their submission of Tax Credit Applications, thereby causing such developers to expend substantial resources to submit Tax Credit Applications that were not tailored to the needs of the market which would have been the case in prior competitive funding rounds; and

**WHEREAS**, staff recommends that projects denied credits because of the deficiencies in their complementing the needs of the market be permitted (i) to be reconfigured to complement the needs of the market, (ii) to submit reprocessing applications to evidence their reconfiguration consistent with market needs and to prove that they remain feasible and viable in their reconfigured arrangement and (iii) to receive a forward commitment of Tax Credits from the 2010 housing credit ceiling if they remain feasible and viable; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Louisiana Housing Finance Agency (the "Board"), acting as the governing authority of said Agency that:

**SECTION 1.** The provisions of the preamble are incorporated into this operative section of this resolution to permit the implementation of the forward commitment by staff as referenced in the preamble hereto.

Notwithstanding the foregoing projects will not be entitled to Tax Credit Program Funds ("TCAP Funds"), if credits deemed awarded after September 30, 2009, but staff may determine subject to Board's approval to fill gaps from the absence of TCAP funds with 1602 Exchange Funds.

**SECTION 2.** The Agency staff, General Counsel, and Foley & Judell, L.L.P., as Tax Credit Counsel, shall arrange for the preparation of a binding agreement to allocate Tax Credits to the Forwarded Committed Projects so as to hold them harmless from the consequences of the scoring correction by staff.

**SECTION 3.** The Chairman, Vice Chairman, President, Vice President and/or Secretary of the Agency be and they are hereby authorized, empowered and directed to execute any forms and/or

documents required to be executed on behalf of and in the name of the Agency, the terms of which are to be consistent with the provisions of this resolution as approved by the Agency's General Counsel and Tax Credit Counsel, Foley & Judell, L.L.P.

This resolution having been submitted to a vote, the vote thereon was as follows:

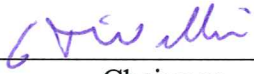
**YEAS:** Alice Washington obo John Kennedy, J. Mark Madderra, Guy T. Williams, Mayson H. Foster, Michael L. Airhart, Walter O. Guillory, Joseph M. Scontrino, III, Katie Anderson, Jerome Boykin, Sr., Elsenia Young, Neal Miller

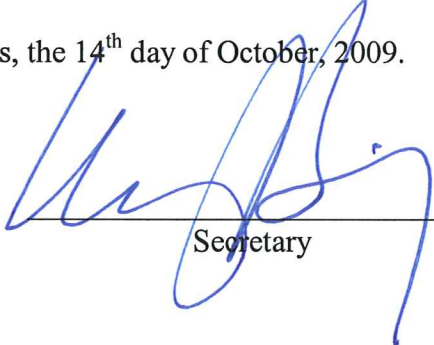
**ABSTAIN:**

**NAYS:**

**ABSENT:** Wayne E. Woods, Allison A. Jones, Tyrone A. Wilson, Susan Sonnier

And the resolution was declared adopted on this, the 14<sup>th</sup> day of October, 2009.

  
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Chairman

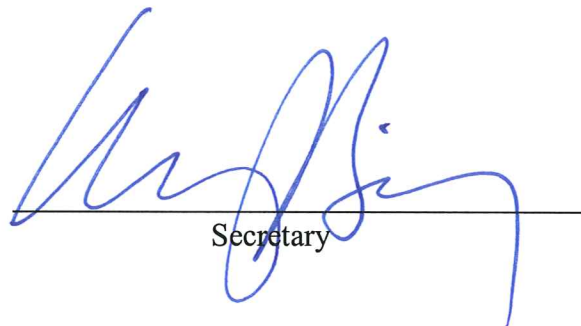
  
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Secretary

**STATE OF LOUISIANA**

**PARISH OF EAST BATON ROUGE**

I, the undersigned Secretary of the Board of Commissioners of the Louisiana Housing Finance Agency (the "Agency"), do hereby certify that the foregoing three (3) pages constitute a true and correct copy of a resolution adopted by said Board of Commissioners on October 14, 2009, approving the award of Tax Credits from the 2010 State Housing Credit Ceiling residential rental facilities; authorizing the Agency staff and counsel to prepare the forms of such documents and agreements as may be necessary to permit the Agency to execute a binding agreement to allocate Tax Credits from the 2010 State Housing Credit Ceiling to such facilities; and providing for other matters in connection therewith.

**IN FAITH WHEREOF**, witness my official signature and the impress of the official seal of the Agency on this, the 14<sup>th</sup> day of October, 2009.



Secretary

(SEAL)